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*Attorneys for Plaintiffs Amarin Pharma, Inc. and
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

AMARIN PHARMA, INC. and AMARIN
PHARMACEUTICALS IRELAND LIMITED,

Plaintiffs,

v.

HIKMA PHARMACEUTICALS USA INC.,
et al.,

Defendants.

CASE NO.: 2:16-cv-02525-MMD-NJK

(Consolidated with
2:16-cv-02562-MMD-NJK)

**JOINT STIPULATION FOR EXTENSION
OF TIME FOR EXPERT DISCOVERY
DEADLINE (THIRD REQUEST)**

1 Plaintiffs Amarin Pharma, Inc. and Amarin Pharmaceuticals Ireland Limited
 2 (collectively, “Amarin”), Defendants Hikma Pharmaceuticals USA Inc. and Hikma
 3 Pharmaceuticals International Limited (collectively, “Hikma”) and Defendants Dr. Reddy’s
 4 Laboratories, Inc. and Dr. Reddy’s Laboratories, Ltd. (collectively, “DRL”) in the above-
 5 referenced consolidated action with the Court’s consent, hereby stipulate and agree that the
 6 Court’s September 14, 2018 Order upon the parties’ Stipulation and Order for Discovery Plan
 7 (ECF No. 146, the “Discovery Plan”), as modified by the Court’s January 14, 2019 Order
 8 (ECF No. 180) and the Court’s June 19, 2019 Order upon the parties’ Joint Stipulation for
 9 Extension of Time for Expert Discovery (ECF No. 229), shall be further modified as set forth
 10 below. The parties agree that good cause exists to modify the existing schedule to permit
 11 Amarin to serve one surreply expert report responding to the reply expert report of John
 12 Kornak, Ph.D. and to permit Defendants to take a deposition of Amarin’s surreply expert after
 13 service of the surreply report. This is the third stipulated request made by the parties for a
 14 change to the deadline for the completion of expert discovery.¹

15 **I. Current Status of Discovery**

16 At present, the parties have conducted a substantial amount of discovery. The parties
 17 have exchanged their Fed. R. Civ. P. 26(a)(1) initial disclosures, in addition to the patent
 18 disclosures, document productions, and contentions required under Local Patent Rules 1-6
 19 through 1-10. The parties have also complied with the claim construction requirements under
 20 Local Patent Rules 1-13 through 1-16, and the Court held a claim construction hearing on April
 21 24, 2018. The parties have also substantially completed document production pursuant to the
 22

23
 24 ¹ The first request (ECF No. 145) became the Court’s Discovery Plan (ECF No. 146).
 25 Thereafter, Defendant DRL made a request to extend certain discovery deadlines (ECF No. 165),
 26 which resulted in a new expert discovery deadline of July 10, 2019 (ECF No. 180). The parties’
 27 second stipulated request (ECF No. 229), which was approved by the Court (ECF No. 229),
 extended the close of expert discovery to July 17, 2019, to accommodate scheduling of two
 expert depositions.

1 Discovery Plan (ECF No. 146). Plaintiffs and Defendants have also each served responses to
2 various written discovery requests, including document requests and interrogatories.

3 Between January 9, 2019 and June 10, 2019, the parties served several opening,
4 responsive, and reply expert reports. Following the exchange of expert reports, the parties
5 completed fourteen expert depositions. Expert discovery closed on July 17, 2019.

6 During the third round of expert reports, Defendants served a Reply Report from John
7 Kornak, Ph.D. on June 10, 2019, followed by a Corrected Reply Report on June 13, 2019. On
8 July 1, 2019, Amarin notified Defendants that Amarin intended to move to strike Dr. Kornak's
9 Corrected Reply Report on the ground that it was not a proper reply report under Federal Rule
10 of Civil Procedure 26(a)(2)(D)(ii). The parties held a meet and confer on July 8, 2019. On
11 July 26, 2019, the parties reached an agreement that, in lieu of filing the contemplated motion
12 to strike, Amarin may serve a surreply report to Dr. Kornak's Corrected Reply Report on
13 August 22, 2019. The parties further agreed that Defendants will thereafter be afforded an
14 opportunity to depose Amarin's surreply expert.

15 Because expert discovery closed on July 17, 2019 (ECF No. 229), the parties
16 respectfully request that the Court modify its prior scheduling order to permit service of the
17 surreply report and the subsequent deposition of Amarin's surreply expert.

18 **II. Agreed-Upon Modifications to the Discovery Plan**

19 The parties respectfully submit that good cause exists to modify the Discovery Plan in
20 this case to (1) allow Amarin to serve a surreply expert report solely to contradict or rebut
21 evidence on the same subject matter identified in the Corrected Reply Report of John Kornak,
22 Ph.D. on August 22, 2019 and (2) allow Defendants to take the deposition of Amarin's
23 surreply expert at a subsequent date and time to be agreed-upon by the parties. Expert
24 discovery would remain closed for all other purposes, and all other requirements in the Court's
25 September 14, 2018 Order (ECF No. 146) (as modified by ECF No. 180 and ECF No. 229) and

26 / /

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the Court's Order Setting Trial (ECF No. 213) would continue to govern.

DATED: August 6, 2019

Respectfully submitted,

/s/ Jason D. Smith

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18 *Attorneys for Defendants Hikma*
19 *Pharmaceuticals USA Inc. and Hikma*
20 *Pharmaceuticals International Limited*

21 **IT IS SO ORDERED:**

22 
23 _____
24 UNITED STATES MAGISTRATE JUDGE

25 Date: August 7, 2019
26 _____
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